

REMARKS

Applicants gratefully acknowledge the Examiner's withdrawal of the previous rejections under 35 U.S.C. §§ 101 and 102(e).

Claims 1-46 are currently pending in the application. Claims 1, 20, 26, and 42 have been amended by changing "Cartesian" to "parallel." Support for such amendment may be found in Figures 5, 6, 7, and 8. While the description of Figure 5 refers to the coordinates as "Cartesian" (Specification, page 13, line 9), it is evident from the figure itself that a parallel coordinate system is employed. As discussed on page 13 of the application and as is shown in Figures 5-8 of the application, the x-axis includes "attributes" 503-506 and the y-axis includes "attribute values." Thus, what is displayed is a "parallel" coordinate system that is more akin to a bar graph, for example. As will be discussed below, the prior art references do not show or suggest this type of visual interface. No new matter has been added by this amendment.

The Claimed Invention

The claimed invention provides a method, visual interface, and system for purchasing and selling products or services in a networked environment using a Request for Quotation (RFQ) process and a visual interface for evaluating submitted bids for such products or services. Also provided is a system for providing an interactive visualization and interface for displaying one or more RFQs and one or more submitted bids with one or more attributes and evaluating the said submitted bids for their merit.

According to the claimed invention, a buyer 310 may submit one or more RFQs 316 and associated attributes and/or business rules over a network 318. A seller 326 may respond to the RFQ 316 by submitting a bid 332 with attribute values. A market maker 326 uses the buyer attributes and/or business rules with the attribute values of the submitted bid 332 to create a visual interface augmented by customized filters which are later used to evaluate seller submitted bids 332. The bids 332 are received in the e-marketplace 320, at which time the e-marketplace 320 can arrange, sort or filter the

received bids 332 in order to assist the buyer 310 in examining and evaluating such bids 332. The filtering may include filtering an attribute value, an attribute line, a bid line or a portion of the bid line. The e-marketplace 320 may use the bids 332, in conjunction with the business rules and attribute values, to create a visual interface customized for individual RFQs 316 showing all the attributes of the RFQ 316 and related attribute values of individual sell bids 332 in a single screen.

Rejection of Claims 1-46 Under 35 U.S.C. § 103

Claims 1-46 have been rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 6,564,192 to Kinney et al. in view of Equis International, MetaStock® Professional (1999) ("MetaStock®") Applicants respectfully traverse, and request reconsideration, on the basis that Claims 1-46 are not suggested by Kinney et al. in view of MetaStock®, as discussed below.

As noted in the response to the previous office action, the disclosure of Kinney et al. teaches a well-known method and system for conducting electronic online auctions via the Internet, especially for business procurement. The Examiner's description of Kinney et al. in connection with the present rejection under 35 U.S.C. § 103 essentially restates the description of Kinney et al. presented in connection with the now-withdrawn rejection of Claims 1-31 under 35 U.S.C. § 102(e) in the previous office action. Applicants' response to the previous office action is therefore incorporated herein by reference.

In brief, the invention disclosed by Kinney et al. is distinguished from the claimed invention on the following points, *among others*:

- Kinney et al. employ a true *Cartesian* coordinate system (a line graph with increasing and decreasing values along x and y axes), while the claimed invention uses a *parallel* coordinate system, as shown in the current amendments.
- Kinney et al. disclose a graph, not a user interface; the user can view it but cannot interact with it for bid evaluation by using filters and controls.

- Kinney et al. show only one attribute — *i.e.*, price value, its change over time. Kinney et al. do not show a plurality of attributes and their values, which is accomplished by the claimed invention. (Kinney et al. show a line graph where values change with time and do not show or represent a parallel system with multiple different attributes at different levels.)
- Kinney et al. show only one bid at a time, while the claimed invention may show a plurality of bids in the visual interface.
- Kinney et al. do not display “sell bid lines” connecting attribute values of bids as the claimed invention does; instead, only one attribute, price, is shown by Kinney et al.
- Kinney et al. do not provide any facility to retrieve the general or detail information of bids as the claimed invention does.
- Kinney et al. do not provide any facility to automatically filter out and/or rearrange bids from the interface for bid selection decision making as the claimed invention does.

In responding to Applicants’ response to the previous office action, the Examiner, admitting that Kinney et al. do not expressly teach two or more attributes, erroneously found that “Kinney teaches two or more attributes in both his RFQ and in their responses, because **it is inherent in both** that they must include at least **two** attributes.” (Office Action at 3) (emphasis in the original) Applicant respectfully traverses on the basis that the Examiner’s assertion of inherency constitutes impermissible hindsight and an improper assertion of technical fact in an area of esoteric technology without support by citation of any reference work. *See* MPEP 2144.03, citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 422-21 (CCPA 1970).

In addition, while the Examiner provides three example attributes — item identification, quantity, and price per quantity — these are limited and not particularly relevant to bid selection decision making. The claimed invention is not limited in the type and number of attributes of bids *and* goods for auction. The claimed invention

provides a plurality of attributes including price — *e.g.*, price, quantity, volume discount policy, material quality, product quality ratings, merchant reputation, warranty, support, tax, delivery time, and delivery cost. (*See* Claim 6). While price is important in decision making process of purchasing, there are other attributes that affect the decision. The invention disclosed by Kinney et al. cannot handle such additional attributes. This is a fundamental difference.

The Examiner has admitted that “Kinney does not teach his graph of bids [Kinney et al., Figure 6] as being interactive.” (Office Action at 3) Recognizing the deficiencies of Kinney et al., the Examiner relies on MetaStock® to provide what is missing. Even though MetaStock® provides a graphical user interface that allows the user to interact with data, it does not make up for other deficiencies of Kinney as described above and in response to the previous office action:

- MetaStock® charts are all true *Cartesian* coordinate systems, not *parallel* coordinate systems as in the claimed invention, where different *attributes* are displayed with their associated *attribute values*..
- MetaStock® does not handle multiple attributes well but instead focuses on one single attribute — price — and another attribute — volume (of stock trading). This fact is apparent in that the application domains of MetaStock® are stock, bonds, mutual funds, futures, commodities, currencies, and indices — whose trading is dominated mostly by price — unlike other materials (*e.g.*, oil) which need to be specified by a multitude of properties for trading.
- MetaStock’s interface provides eight basic graphs (or “charts”): bar, line, candlestick, point and figure, kagi, renko, three-line break, equivolume, and candlevolume. These are all variations of Figure 6 of Kinney et al. They are not particularly good at displaying multiple bids at a time, because their visualization will be easily cluttered by multiple bid lines.

- MetaStock® charts do not provide “sell bid lines” connecting attribute values of bids. As mentioned, they display one stock or bond value change over time; that is, they display one item with one or two attributes (price and volume) at a time.
- MetaStock® charts allow retrieving the general or detail information of a bid.
- MetaStock® charts do not provide any facility to automatically filter out and/or rearrange bids from the interface for bid selection decision making, unlike the claimed invention.

Conclusion

In view of the foregoing, it is respectfully requested that the application be reconsidered, that Claims 1-46 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-0510 (IBM-Yorktown).

Respectfully submitted,



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